

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

HENRY BOYD, JR., *ET AL.*

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:06CV548WA

HALEY BARBOUR, *ET AL.*

DEFENDANTS

ORDER

This matter came before the court on the Plaintiffs' Motion to Consolidate, by which they seek an Order consolidating this matter with *Martin v. Barbour*, Civil Action No. J84-0708(B) and *Kirksey v. Barbour*, Civil Action No. J85-0960(B). The latter two cases were heard by a three-judge district court, comprised of Charles C. Clark, William H. Barbour, and Henry T. Wingate, and a Final Judgment was entered in those cases on December 29, 1988. The Plaintiffs have asked that these cases be re-opened, both for the purpose of consolidation with this case, and for other injunctive relief. On October 19, 2006, Judge Barbour entered an Order denying the Motion to Re-Open these cases and further denied the other requested relief. Fed. R. Civ. P. 42(a) permits consolidation "[w]hen actions involving a common question of law or fact are pending before the court" As the earlier cases are no longer pending, and as Judge Barbour has denied the Plaintiffs' request to re-open them, the Motion to Consolidate must be denied.

IT IS, THEREFORE, ORDERED that the Plaintiffs' Motion to Consolidate is hereby **denied**.

IT IS SO ORDERED, this the 27th day of October, 2006.

S/Linda S. Anderson
UNITED STATES MAGISTRATE JUDGE